

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

<u>ARIAD PHARMACEUTICALS, INC.,</u>)	
MASSACHUSETTS INSTITUTE OF)	
TECHNOLOGY, THE WHITEHEAD)	
INSTITUTE FOR BIOMEDICAL)	Civil Action No. 02 CV 11280
RESEARCH, and THE PRESIDENT AND)	RWZ
FELLOWS OF HARVARD COLLEGE)	
)	
Plaintiffs,)	U.S. District Judge
)	Rya W. Zobel
v.)	
)	
ELI LILLY AND COMPANY,)	
)	
<u>Defendant.</u>)	

**DEFENDANT ELI LILLY AND COMPANY'S
MOTION FOR SUMMARY JUDGMENT OF INVALIDITY
UNDER 35 U.S.C. §§ 101 AND 112, FIRST PARAGRAPH**

Defendant Eli Lilly and Company (Lilly) moves, upon the Declaration of Lawrence R. Robins in Support of Defendant Eli Lilly and Company's Motion for Summary Judgment of Invalidity under 35 U.S.C. §§ 101 and 112, first paragraph (the "Robins Declaration"), dated December 23, 2005, the exhibits annexed to the Robins Declaration, Defendant's Rule 56.1 Statement, the Memorandum in Support of Defendant's Motion for Summary Judgment of Invalidity Under 35 U.S.C. §§ 101 and 112, first paragraph, and all other papers and prior proceedings herein, that this Court enter an order, pursuant to Federal Rule of Civil Procedure 56(c) granting summary judgment in favor of Lilly.

REQUEST FOR ORAL ARGUMENT

Defendant respectfully requests oral argument on its motion for summary judgment of invalidity under 35 U.S.C. §§ 101 and 112, first paragraph.

Respectfully submitted,

Date: December 23, 2005

/s/Lawrence R. Robins

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**Attorneys for Defendant Eli Lilly and
Company**

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

Counsel for defendant Lilly and Company hereby certifies that it has attempted in good faith to resolve or narrow the issues presented in this motion but has been unable to do so.

/s/Lawrence R. Robins